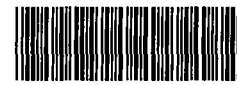




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

PFE ORIGINAL



SDMS DocID 2082616

SEP 27 2006

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

General Electric Company
Bonnie Harrington, Esq.
Senior Counsel Environment, Health & Safety
Appliance Park, Bldg. 2-225
Louisville, KY 40225

**Re: Required Submission of Additional Information
Lower Darby Creek Area Superfund Site**

Dear Ms. Harrington:

The U.S. Environmental Protection Agency ("EPA") has reviewed the January 17, 2003 and September and November 2001 responses of General Electric Company ("GE") to its Information Requests regarding the Lower Darby Creek Area Superfund Site ("Site"). Based on information received during its continuing investigation of the Site, including interviews of additional witnesses, EPA is seeking additional information concerning GE's disposal activity at the Clearview Landfill ("Clearview") portion of the Site. Specifically, EPA is seeking the following information:

1. Several witnesses (please see enclosed interview summaries) have indicated that in the late 1950s or early 1960s a truck driven by GE employees and containing GE waste for disposal at the landfill was involved in a fire which caused the death of a GE employee riding on the truck. Please provide any information in GE's possession concerning this fire, including, if known: the date on which it occurred, the cause, the contents of the truck that burned, GE's response to the fire, and any other relevant details.
2. Did GE dispose of transformers at Clearview at any time? Were the transformers drained and cleaned at the Site? Please explain your answers in detail.
3. Did GE dispose of magnesium fines, turnings or shavings at the Site?

PFE ORIGINAL

Pursuant to the authority of Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), EPA has the authority to require GE to furnish all information and documents in its possession, custody or control, or in the possession, custody or control of any of its employees or agents, which concern, refer to, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject GE to criminal penalties under 18 U.S.C. § 1001. The information GE provides may be used by EPA in administrative, civil, or criminal proceedings.

GE must respond in writing to this required submission of information within **thirty (30) calendar days** of its receipt of this letter. The response must be signed by an appropriately authorized corporate official.

If, for any reason, you do not provide all information responsive to this letter, then in GE's answer to EPA it must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

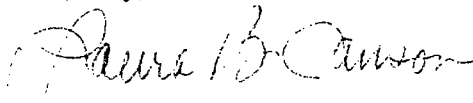
All documents and information should be sent to:

Ms. Carlyn Winter Prisk (3HS62)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

If you have any questions concerning this matter, please contact Brian Nishitani of EPA's Office of Regional Counsel at (215) 814-2675 or Civil Investigator Carlyn Winter Prisk at (215) 814-2625. To discuss the Site in general or the nature of the cleanup, contact Kristine Matzko, the Remedial Project Manager, at (215) 814-5719.

Sincerely,



Laura Janson, Chief
Cost Recovery Branch

PFE ORIGINAL

Enclosures: A: Business Confidentiality Claims/Disclosure of Your Response to EPA
Contractors and Grantees
B: List of Contractors that May Review Your Response
C: Definitions
D: Instructions
Redacted Interview Summaries

cc: Carlyn W. Prisk (3HS62)
Brian Nishitani (3RC44)
Kristine Matzko (3HS21)
Craig Olewiler (PADEP)

Enclosure A

PFE ORIGINAL

Business Confidentiality Claims

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. Part 2, Subpart B. Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms (See "Enclosure B") to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employee Program ("SEE Enrollees"). The SEE Program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 104(e)(7) of CERCLA, 42 U.S.C. Section 9604(e)(7), and EPA's regulations at 40 C.F.R. Section 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed.Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in Enclosure B, you must notify EPA in writing at the time you submit such documents.

[rev. 8/2006]

List of Contractors That May Review Your Response

- Chenega Integrated Systems, LLC
Contract #EP-S3-04-01
Subcontractors:
 DPRA
 Tri-State Enterprise Corporation
 - Tetra Tech EM, Inc.
Contract #68-S3-0002
Subcontractor:
 Eagle Instruments, Inc.
 - Ecology and Environment, Inc.
Contract #68-S3-0001
Subcontractor:
 S & S Engineers, Inc.
 - IT Corporation
Contract #68-S3-00-06
Subcontracts:
 Weavertown Environmental Group
 Environmental Restoration Company
 - Earth Tech, Inc.
Contract #68-S3-00-07
Subcontractors:
 Industrial Marine Services, Inc.
 Cline Oil
 Hertz Equipment Rental
 - Tetra Tech NUS Inc.
Contract #68-S6-3003
Subcontractors:
 Gannett Fleming, Inc.
 Dynamic Corporation
 C. C. Johnson & Malhotra, P.C.
 - CDM-Federal Programs Corporation –
Contract #68-S7-3003
Subcontractors:
 Tetra Tech EM, Inc.
 Robert Kimball & Associates
 PMA & Associates
 Horne Engineering
 Pacific Environmental Services
 - Black and Veatch Waste Science and Technology Corporation/Tetra Tech, Inc.
Contract #68-S7-3002
Subcontractor:
 Enviro Consultants Group
 - Eisenstein Malanchuck, LLP
Contract #EP-W-06-014
Subcontractors:
 James C. Hermann & Associates
 R. M. Fields International, LLC
 McRae & Company, Inc.
 - Tech Law, Inc.
Contract #EP-S3-04-03
 - WRS Infrastructure & Environment, Inc. –
Contract # 68-S3-03-02
 - Kemron Environmental Services
Contract # 68-S3-03-05
 - Industrial Marine Services, Inc.
Contract # 68-S3-03-03
 - Guardian Environmental Services, Inc.
Contract # 68-S3-03-04
 - Booz-Allen & Hamilton
Contract # GS-10F-0090J (GSA Schedule)
- List of Inter-Agency Agreements
- General Services Administration
CERCLA File Room
Contractor: Booz-Allen & Hamilton
 - General Services Administration
Spectron Superfund Site
Breslube Penn Superfund Site
Contractor: Booz-Allen & Hamilton
- List of Cooperative Agreements
- National Association of Hispanic Elderly -
#CQ-822511
 - AARP Foundation (Senior Environmental Employment) -
#824021
#823952
 - National Older Work Career Center, Inc.
(NOWCC)- #CQ-830919

Enclosure C

Definitions

- The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.
- The term "documents" shall mean writings, photographs, sound or magnetic records, drawings, or other similar things by which information has been preserved and also includes information preserved in a form which must be translated or deciphered by machine in order to be intelligible to humans. Examples of documents include, but are not limited to, electronic mail and other forms of computer communication, drafts, correspondence, memoranda, notes, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, receipts, summaries, pamphlets, books, invoices, checks, bills of lading, weight receipts, toll receipts, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, inter-office and intra-office communications, notations of any conversations (including, without limitation, telephone calls, meetings, and other communications such as e-mail), bulletins, printed matter, computer printouts, invoices, worksheets, graphic or oral records or representations of any kind (including, without limitation, charts, graphs, microfiche, microfilm, videotapes, recordings and motion pictures), electronic, mechanical, magnetic or electric records or representations of any kind (including, without limitation, tapes, cassettes, discs, recordings and computer memories), minutes of meetings, memoranda, notes, calendar or daily entries, agendas, notices, announcements, maps, manuals, brochures, reports of scientific study or investigation, schedules, price lists, data, sample analyses, and laboratory reports.
- The term "hazardous substance" means (a) any substance designated pursuant to section 1321(b)(2)(A) of Title 33 [of the U.S. Code], (b) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of [CERCLA], (c) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. Section 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 U.S.C. Section 6901 et seq.) has been suspended by Act of Congress), (d) any toxic pollutant listed under section 1317(a) of Title 33, (e) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 U.S.C. Section 7412), and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 2606 of Title 15 [of the U.S. Code]. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

- The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such organisms or their offspring, except that the term "pollutant or contaminant" shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under CERCLA, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas).
- The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. Section 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such Act (42 U.S.C. Section 2210), or, for the purposes of section 9604 of [CERCLA] or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under sections 7912(a)(1) or 7942(a) of [CERCLA], and (d) the normal application of fertilizer.
- The term "waste" or "wastes" shall mean and include any discarded materials including, but not limited to, trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, pollutants or contaminants, and discarded or spilled chemicals, whether solid, liquid, or sludge.
- The term "you" when referring to an incorporated entity shall mean and include the incorporated entity and its agents and representatives, including, but not limited to, persons directly authorized to transact business on the entity's behalf such as officers, directors, or partners with which the entity is affiliated, employees, accountants, engineers, or other persons who conduct business on the entity's behalf, as well as affiliated entities, including, but not limited to, partnerships, limited liability companies, divisions, subsidiaries, and holding companies.

Enclosure D

ENCLOSURE

Instructions

1. You are entitled to assert a claim of business confidentiality covering any part or all of the information you submit. If you desire to assert a claim of business confidentiality, please see Enclosure A, *Business Confidentiality Claims/Disclosure of Your Response to EPA Contractors and Grantees*. You must clearly mark such information by either stamping or using any other form of notice that such information is a trade secret, proprietary, or company confidential. To ensure to the greatest extent that your intent is clear, we recommend that you mark as confidential each page containing such claimed information.
2. Please provide a separate, detailed narrative response to each question, and to each subpart of each question, set forth in this Information Request. If you fail to provide a detailed response, EPA may deem your response to be insufficient and thus a failure to comply with this Information Request, which may subject you to penalties.
3. Precede each response with the number of the question or subpart of the question to which it corresponds. For each document or group of documents produced in response to this Information Request, indicate the number of the specific question or subpart of the question to which the document(s) responds.
4. Should you find at any time after submission of your response that any portion of the submitted information is false, misrepresents the truth or is incomplete, you must notify EPA of this fact and provide EPA with a corrected written response.
5. Any terms that are used in this Information Request and/or its Enclosures that are defined in CERCLA shall have the meaning set forth in CERCLA. Definitions of several such terms are set forth in Enclosure C, *Definitions*, for your convenience. Also, several additional terms not defined in CERCLA are defined in Enclosure C. Those terms shall have the meaning set forth in Enclosure C any time such terms are used in this Information Request and/or its Enclosures.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

PFE ORIGINAL

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

General Electric Company
Bonnie Harrington, Esq.
Senior Counsel Environment, Health & Safety
Appliance Park, Bldg. 2-225
Louisville, KY 40225 USA

**Re: Required Submission of Additional Information
Lower Darby Creek Area Superfund Site**

Dear Ms. Harrington:

The U.S. Environmental Protection Agency ("EPA") has reviewed the January 17, 2003 and September and November 2001 responses of General Electric Company ("GE") to its Information Requests regarding the Lower Darby Creek Area Superfund Site ("Site"). Based on information received during its continuing investigation of the Site, including interviews of additional witnesses, EPA is seeking additional information concerning GE's disposal activity at the Clearview Landfill ("Clearview") portion of the Site. Specifically, EPA is seeking the following information:

- Several witnesses (please see enclosed interview summaries) have indicated that in the late 1950s or early 1960s a truck driven by GE employees and containing GE waste for disposal at the landfill was involved in a fire which caused the death of a GE employee riding on the truck. Please provide any information in GE's possession concerning this fire, including, if known: the date on which it occurred, the cause, the contents of the truck that burned, GE's response to the fire, and any other relevant details.
- Did GE dispose of transformers at Clearview at any time? Were the transformers drained and cleaned at the Site? Please explain your answers in detail.

CONCURRENCES							
SYMBOL	3HS62	3RC44					
SURNAME	Prisk <i>CRP</i>	Nishitani					
DATE	9/26/06	9/26/06					

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

O F F I C I A L U S E

Postage

\$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

Postmark
Here

PFE ORIGINAL

Sent To Bonnie Harrington, Esq.
Gen. Elec. Co. - Senior Counsel Env.

Street, Apt. No.;
or PO Box No. Health & Safety

City, State, ZIP+4 Appliance Park, Bldg. 2-225
Louisville, KY 40225

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery

- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.

- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".

- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 ARCH STREET
MAIL CODE 34562
PHILADELPHIA, PA 19103-2029
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

Attn: C. Prisk



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>[Signature]</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>9002 10 100 PFE ORIGINAL</p>	
1. Article Addressed to:		3. Service Type	
Bonnie Harrington, Esquire		<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Express Mail	
General Electric Company		<input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise	
Senior Counsel Env. Health & Safety		<input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
Appliance Park, Bldg. 2-225		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Louisville, KY 40225			
2. Article Number			
(Transfer from service label)		7001 0360 0000 2873 7107	